



Atty. Dkt. No. 086142-0600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiroaki FUJII et al.

Title: SEAT BELT DEVICE

Appl. No.: 10/718,543

Filing Date: 11/24/2003

Examiner: George D. Spisich

Art Unit: 3616

Confirmation 1813

Number:

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the Patent Term Adjustment (PTA) included with the Notice of Allowance mailed August 8, 2008. Applicants disagree with the Determination of Patent Term Adjustment made by the PTO under 35 USC § 154(b). In the Notice of Allowance, the PTO indicated that the Patent Term Adjustment was 200 days. The PTO's determination is incorrect because Patent Term Adjustment should be 321 days instead of 200 days. Applicants' calculation of the Patent Term Adjustment is attached as Exhibit 1.

The PTO's Determination of the Patent Term Adjustment is flawed because the PTO improperly deducted 145 days from the Patent Term Adjustment. Applicants' review of the USPTO's calculation of the Patent Term Adjustment on the PAIR system, shows that the PTO deducted 145 days of Patent Term Adjustment based on the filing date of the response to the 1455

Final Rejection mailed March 8, 2007. Applicants note that the PAIR system does not indicate that a Notice of Appeal was filed on July 6, 2007 (copy attached as Exhibit 2). When the filing of the Notice of Appeal is considered, the proper deduction is calculated to be 28 days not 145 days.

Furthermore, Applicants' understand that at least an additional 4 days will be added to the adjustment for the PTO's exceeding the 3 year limit once the patent has issued. Therefore, the final Patent Term Adjustment to date should be 321 days. Reconsideration and correction of the Patent Term Adjustment is respectfully requested.

The \$200.00 fee is included in the attached credit card authorization form. Should no proper payment be enclosed herewith, as by a check or credit card authorization form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By 

Date September 9, 2008

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Exhibit 1

Docket Number: 086142-0600
 Application Number: 10/718543
 Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Application Filing Date	11/24/2003	0		
	14 month From Application date	01/24/2005	427		
Edit Delete	Restriction Requirement	12/27/2005	764	337	
Edit Delete	Restriction Requirement Response Received at PTO	01/27/2006	795		
Edit Delete	Non-Final Office Action	03/22/2006	849		
Edit Delete	Non-Final Office Action Response Received at PTO	06/22/2006	941		
Edit Delete	Non-Final Office Action	09/11/2006	1,022		
Edit Delete	IDS NOT falling under 1.704(c)(6), (8) or (10) filed at PTO	11/21/2006	1,093		
Edit Delete	Non-Final Office Action Response Received at PTO	12/11/2006	1,113		
Edit Delete	Final Office Action	03/08/2007	1,200		
Edit Delete	Final Office Action Response Received at PTO	06/07/2007	1,291		
	Final Office Action + 3 months	06/08/2007	1,292		
Edit Delete	Advisory Action	06/25/2007	1,309		
Edit Delete	Notice of Appeal Received at PTO	07/06/2007	1,320	28	
	3 Year Period Starts	10/27/2007	1,433		
Edit Delete	Request For Continued Examination	10/31/2007	1,437		
	3 Year Period Stopped	10/31/2007	1,437	4	
Edit Delete	Non-Final Office Action	01/08/2008	1,506		
Edit Delete	Non-Final Office Action Response Received at PTO	03/31/2008	1,589		
	Non-Final Office Action Response Received at PTO + 4 months	07/31/2008	1,711		
Edit Delete	Notice of Allowance	08/08/2008	1,719	8	
	Projected Patent Grant Date	02/17/2009	1,912		
Totals:				349	28
PTA:					321

Exhibit 2